

AMENDED IN ASSEMBLY MAY 26, 2016

AMENDED IN SENATE APRIL 12, 2016

SENATE BILL

No. 1342

Introduced by Senator Mendoza

February 19, 2016

An act to add Section 53060.4 to the Government Code, relating to wages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1342, as amended, Mendoza. Wages: investigations: subpoenas.

Existing law authorizes the Industrial Welfare Commission to subpoena witnesses. Existing law provides that if a person fails to comply with an order or subpoena of the commission or a witness refuses to testify to any matter regarding which he or she may lawfully be interrogated before any wage board or the commission, it shall be the duty of the superior court to compel obedience in a manner by which such obedience could be compelled in a proceeding pending before the court.

This bill would specify that a legislative body of a city or county is authorized to delegate that body's authority to issue subpoenas and to report noncompliance thereof to the judge of the superior court of the county, to a county or city official or department head in order to enforce *any local law or ordinance, including* local wage laws. The bill would provide legislative findings in support of this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:

3 (1) Wage theft is prevalent among immigrant and low-wage
4 workers in California.

5 (2) Los Angeles County, where approximately \$26.6 million in
6 wages is stolen from laborers every week, has been dubbed by
7 some as the “wage theft capital” of the United States.

8 (3) The Economic Roundtable and the University of California,
9 Los Angeles, indicate that violations of wage laws in Los Angeles
10 are pervasive, with 30 percent of low-wage workers in Los Angeles
11 receiving less than the minimum wage and 88.5 percent of workers
12 experiencing some sort of wage theft.

13 (4) Wage theft can cause workers extreme financial hardship,
14 making it harder for workers experiencing wage theft to take care
15 of their families and contribute to the state economy.

16 (5) According to the Milton Marks “Little Hoover” Commission
17 on California State Government Organization and Economy, wage
18 enforcement resources in California have not kept pace with
19 increases in the number of employers and increased complexity
20 of the employer-employee relationship. Local jurisdictions,
21 including the City and County of San Francisco, the City of Los
22 Angeles, and the County of Los Angeles, have addressed the need
23 for additional wage enforcement resources by establishing local
24 wage enforcement agencies.

25 (6) In California, 14 local jurisdictions have enacted minimum
26 wage ordinances. The majority of these jurisdictions have
27 designated or created local agencies to enforce local wage laws.

28 (7) Local wage enforcement is an effective means of combating
29 wage theft. For example, San Francisco’s Office of Labor Standards
30 Enforcement recovered 90.5 percent of wages and interest owed
31 to workers between 2003 and 2013.

32 (8) Pursuant to Sections 25207, 27721, and 37104, and *Dibb v.*
33 *County of San Diego*, (8 Cal. 4th 1200), cities and counties are
34 authorized to delegate to local officials the authority to issue
35 subpoenas in support of enforcing local wage ordinances.

36 (b) It is the intent of the Legislature in enacting this measure to
37 promote honest pay for fair work by giving local wage enforcement
38 programs all of the tools necessary to conduct successful wage

1 claim investigations in order to recover unpaid back wages for
2 hardworking Californians.

3 (c) Cities and counties are encouraged to develop and enact
4 specific measures to target and remedy wage theft.

5 SEC. 2. Section 53060.4 is added to the Government Code, to
6 read:

7 53060.4. (a) The legislative body of a city or county may
8 delegate to a county or city official or department head its authority
9 to issue subpoenas and to report noncompliance thereof to the
10 judge of the superior court of the county, in order to enforce ~~local~~
11 ~~wage laws~~; *any local law or ordinance, including, but not limited*
12 *to, local wage laws.*

13 (b) The Legislature finds and declares that these provisions do
14 not constitute a change in, but are declaratory of, existing law.